

REMARKS

Claims 44, 45, 50, 62, 64-67, 69, 70 and 72-81 are pending and have been rejected. Claims 66 and 69 have been amended to more clearly define statutory subject matter. Support appears, e.g., in original claims 67 and 70, now canceled without prejudice or disclaimer. No new matter has been added, therefore entry of all amendments is respectfully urged. Accordingly, claims 44, 45, 50, 62, 64-66, 69 and 72-81 are presented for further consideration in view of the following remarks.

Claims 66 and 69 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Present claims 66 and 69 now recite a computer-readable medium encoded with a computer application having the defined limitations, in accordance with the PTO's helpful suggestion. Applicants thus submit that present claims 66 and 69 comply with the requirements of 35 U.S.C. §101, and respectfully request withdrawal of the rejection on this basis.

All pending claims stand rejected under 35 USC §103(a) as allegedly unpatentably obvious over Rachman et al. in view of Jenkins et al., of record, and further in view of the movie "Major League." The deficiencies of Rachman et al., as well as Jenkins et al., have been discussed in the previous response. The cited movie, however, does not include any disclosure that compensates for these deficiencies, as shall be shown below.

Concerning claims 44, 45, 62, 64, 65 and 72-81, the PTO's position is again understood to be that Rachman et al., and Jenkins et al., together disclose all of the steps recited in the claims except the step of viewing a model removing an article of clothing as a reward system, e.g., when a question is answered correctly. The PTO now contends that "[t]he baseball coach in Major League, the movie, motivates the team by removing a portion of a dress on a cardboard cut-out model for every game they win." Accordingly, the PTO urges that it would have been obvious to "modify the system of Rachman/Jenkins to include the motivational method as disclosed by Major League in order to persuade the participants to enter a correct response."

The disclosure from Major League, however, differs significantly from the subject matter of the present claims. First, as the PTO appears to recognize, there is no *model* in the scenes from Major League. Rather, a *cardboard cut-out* is used. A cardboard cut-out is not a "model", it is an inanimate object. Second, even if the present claims are construed so broadly that the "model" limitation can be read on an inanimate card-board cut-out (which applicants urge would be an unduly broad construction), the coach in Major League does not provide any *instructions* to the inanimate card-board cut-out. In particular, the coach does not provide any instructions to the inanimate card-board cut-out to *remove an article of clothing*. Nor does the coach select a video file containing images of the card-board cut-out removing an article of clothing. Third, the *coach*, rather than the card-board cut-out, removes objects from the surface of the card-board cut-out. Fourth, the objects so removed are not *articles of clothing*, but portions of an image of various articles of clothing that are removably affixed to the surface of the card-board cut-out.

The foregoing differences between the scenes in Major League and the presently claimed invention make it clear that the proposed combination of references would not have led a skilled artisan to any of the present claims. At most, the combination would have resulted in a system in which a video image of a person removing objects from the surface of a card-board cut-out is provided when a question is correctly answered. Such a system bears no recognizable similarity to the subject matter of any of the present claims.

Turning again to present claim 44, the claimed method includes the specific steps of "b) providing to a central cite via a network i) an answer to at least one question, and ii) an instruction directing a model to remove an article of clothing when the central cite determines that the answer so provided is correct, and c) viewing via the network a model removing the article of clothing upon determination by the central cite that the answer provided in step b) is correct." Thus, the method requires that an *instruction* be provided *to a model*, that the instruction direct *the model* to *remove an article of clothing*, and that the removal be carried out when a correct answer is provided. The method further requires viewing the model removing the article of clothing when it is determined that the answer provided is correct. As demonstrated above, neither Major League nor the other references of record disclose, suggest or even contemplate such a method. Major league fails to disclose or suggest providing instructions to a model, directing the model to remove an article of clothing in response to a correct answer, or viewing such a removal by the model when the desired answer is provided.

Applicants once more emphasize that the particular steps of instructing a live model to remove an article of clothing, and viewing the model doing so when a correct answer is provided, are not suggested by a baseball coach removing portions of images of clothing attached to the surface of a card-board cut-out. Nor do such activities by the baseball coach suggest a "design choice" that a routineer would have been led to make in view of the movie, such that the subject matter of present claim 44 would have been achieved. The teachings of the cited references thus must be considered incapable of having rendered present claim 44 obvious. Withdrawal of the rejection on this basis is courteously requested.

Similarly, present claim 45 is not suggested by the proposed combination of references. As previously explained, claim 45 requires that *an article of clothing be selected for removal by a model*, that this selection be made *in response to notification* that a correct answer has been provided, and that the clothing removal be *viewed*. Neither the model, nor the clothing selection, nor the clothing removal, nor the model-viewing steps are suggested by Major League, as must be the case in order to compensate for the failure of Rachman et al. and Jenkins et al. to do so. Applicants also remind the PTO that none of the cited references suggest a link to a model site on a network that permits viewing a model, or any activation of such a link at any time. Claim 45 thus cannot be considered obvious under §103 in view of the cited teachings. Withdrawal of the rejection on this basis is respectfully urged.

With respect to dependent claims 50 and 62, Major League adds nothing to the teachings of the Rachman et al. and Jenkins et al. references that would have led a routineer to the claimed subject matter, for the reasons discussed above and in the previous response. Likewise, Major League fails to disclose or suggest that the notification of a correct answer and the request for selection of the article of clothing are received from the educational application, as required by claim 62. Claim 62 is distinguished for this additional reason.

Similar reasoning demonstrates that claim 64 is also not suggested by Major League or the rest of the cited art. Likewise, for reasons discussed in the previous response and above with respect to Major League, claim 65, 66 and 69 are not rendered obvious by the cited references. Applicants respectfully request withdrawal of the rejections of the foregoing claims, and all claims dependent thereon, on this basis.

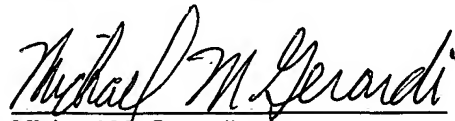
As to dependent claims 72-81, applicants repeat the arguments set forth in the previous response, and further note that Major League does not compensate for the deficiencies of the two references previously of record for reasons discussed above. Withdrawal of the §103 rejections of these claims is earnestly solicited.

Applicants once more direct the PTO's attention to the article published in the journal XBiz World (January 2007, page 12), submitted previously, which describes the development of a commercial product which appears to read directly on one or more claims of the present application. Applicants are compelled to reiterate that the published report of the "Naughty American History" application constitutes an objective indicium of unobviousness sufficient to rebut any hypothetical case of obviousness (which applicants again deny) based on the Rachman et al., Jenkins et al, and Major League disclosures.

Accordingly, applicants submit that none of the present claims are rendered obvious by the combined teachings of Rachman et al., Jenkins et al., and Major League. Withdrawal of the §103(a) rejections of the present claims on this basis is earnestly solicited.

In view of the foregoing remarks, it is submitted that all present claims are in condition for allowance. Should the Examiner have any questions, kindly contact the undersigned at the telephone number indicated.

Respectfully submitted,



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